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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, ) CASE NO. CR04-0351 JCC  
09 Plaintiff, )  
10 v. ) SUMMARY REPORT OF U.S.  
11 JACK PERSHING SEXTON, JR. ) MAGISTRATE JUDGE AS TO  
12 Defendant. ) ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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14 An initial hearing on supervised release revocation in this case was scheduled before me  
15 on February 2, 2010. The United States was represented by AUSA Bruce Miyake and the  
16 defendant by Kenneth Kanev. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about November 12, 2004 by the Honorable John  
18 C. Coughenour on a charge of Conspiracy to Commit Armed Robbery and sentenced to 60  
19 months custody (consecutive to CR93-551), 3 years supervised release. (Dkt. 30.)

20 The conditions of supervised release included the standard conditions plus the  
21 requirements that defendant submit to mandatory drug testing, participate in a drug treatment  
22 program, abstain from alcohol, submit to search, and reside in and satisfactorily participate in a

01 community corrections program for up to 120 days.

02 On October 2, 2009, defendant admitted violating the conditions of supervised release by  
03 failing to abstain from alcohol and absconding from the residential reentry program (RRC). He  
04 was sentenced to time served plus 30 months supervised release, and ordered to return to the  
05 RRC for up to 90 days. (Dkt. 66.)

06 In an application dated November 6, 2009 (Dkt. 67-68), U.S. Probation Officer Mark J.  
07 Chance alleged the following violation of the conditions of supervised release:

08 1. Failing to participate in a residential reentry center program by absconding from  
09 the facility on November 5, 2009, in violation of a special condition.

10 Defendant was advised in full as to the charge and as to his constitutional rights.

11 Defendant admitted the alleged violation and waived any evidentiary hearing as to  
12 whether it occurred.

13 I therefore recommend the Court find defendant violated his supervised release as  
14 alleged, and that the Court conduct a hearing limited to the issue of disposition. The next  
15 hearing will be set before Judge Coughenour.

16 Pending a final determination by the Court, defendant has been detained.

17 DATED this 2nd day of February, 2010.

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19 Mary Alice Theiler  
20 United States Magistrate Judge

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22 cc: District Judge: Honorable John C. Coughenour

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AUSA:	Bruce Miyaki
Defendant's attorney:	Kenneth Kanev
Probation officer:	Mark J. Chance